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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/318,372	05/25/1999	MATTI TURUNEN	460-008652-U	1338
7590 CLARENCE A GREEN PERMAN & GREEN LLP 425 POST ROAD FAIRFIELD, CT 06430			EXAMINER LEE, JOHN J	
			ART UNIT 2618	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		01/25/2007	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/318,372	<b>Applicant(s)</b> TURUNEN, MATTI	
	<b>Examiner</b> JOHN J. LEE	<b>Art Unit</b> 2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 13 March 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-13 is/are rejected.
- 7) ☒ Claim(s) 2 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

1. Applicant's arguments with respect to claims 1 - 13 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Regarding claim 4, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 1 and 3-13** are rejected under 35 U.S.C. 103(a) as being unpatentable over Houde et al. (US 5,797,094) in view of Gaffney (US 6,333,919).

Regarding **claims 1 and 3**, Houde discloses that a method for transmitting messages to a wireless terminal (16 in Fig. 1) in a data transmission system (short message service) which includes at least one mobile communication network (Fig. 1) and at least one multimedia message server (Fig. 1, 4 and column 2, lines 23 – 55). Houde teaches that specifying for each wireless terminal (16 in Fig. 1) coupled to the mobile

communication network (Fig. 1), an address identifying said wireless terminal (column 7, lines 57 – column 8, lines 65 and Fig. 1, where teaches identifying the address the intended recipient mobile station by address information may be sent by mobile switching center). Houde teaches that activating at least one data transmission connection for the wireless terminal (Fig. 1, 3, and column 5, lines 38 – column 6, lines 64, where teaches as the mobile station has deep sleep mode, the message center maintains some subscriber profiles and further receives, stores, and forward short message service messages for delivery to the subscriber mobile stations, and the mobile stations provide notification to serving mobile switching center for operational ready to receive messages). Houde teaches that informing the at least one multimedia message server of the activation of the data transmission connection for said wireless terminal (Fig. 1, 3, and column 5, lines 38 – column 6, lines 64, where teaches as the mobile station has deep sleep mode, the message center maintains some subscriber profiles and further receives, stores, and forward short message service messages for delivery to the subscriber mobile stations, and the mobile stations provide notification to serving mobile switching center for operational ready to receive messages). Houde teaches that upon informing the at least one multimedia message server of the activation of the data transmission connection (notifying the mobile switching center ready to transmit the data messages, see Fig. 3, 4), transmitting the multimedia messages to the wireless terminal using the activated data transmission connection (Fig. 1, 3, and column 6, lines 11 – column 7, lines 56, where teaches notifying the mobile switching center ready to transmit the data messages so that establishing transmission connection link and transmitting the short messages to the

mobile station). Houde does not exactly disclose the limitation “a multimedia message server (GPRS system) transmits packet formed of multimedia messages to mobile stations”. However, Gaffney teaches the limitation “a multimedia message server (GPRS system) transmits packet formed of multimedia messages to mobile stations” (Fig. 1, 2 and column 4, lines 25 – column 5, lines 10, where teaches the a multimedia message server for delivering packet formed of multimedia messages to the mobile stations). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the Houde system as taught by Gaffney, provide the motivation to improve arrangement of a multimedia signal delivering and reception capabilities to mobile users in mobile communication system.

Regarding **claim 4**, Houde and Gaffney teach all the limitation, as discussed in claim 1. Furthermore, Houde further teaches that a data transfer protocol in a packet form (column 10, lines 52 – column 11, lines 17 and Fig. 1), intended for e-mail (data service message for short message) transmission, such that SMTP, is used, wherein messages are formed into packets according to said data transfer protocol (Fig. 1, 4 and column 7, lines 57 – column 8, lines 22).

Regarding **claim 5**, Houde and Gaffney teach all the limitation, as discussed in claim 1. However, Houde further teaches that possible to select which types of messages are transmitted in the activated data transmission connection (column 5, lines 38 – column 6, lines 51 and Fig. 1, 3, where teaches forward to each mobile station for other messages types).

Regarding **claim 6**, Houde and Gaffney teach all the limitation, as discussed in claims 1 and 4.

Regarding **claim 7**, Houde and Gaffney teach all the limitation, as discussed in claim 1. Furthermore, Houde further teaches that information on deactivation of the data transmission connection activated for said wireless terminal is transmitted to the message server (Fig. 1, 4 and column 9, lines 41 – column 10, lines 51, where teaches cancellation of the data transmission (registration) connection for mobile station).

Regarding **claim 8**, Houde and Gaffney teach all the limitation, as discussed in claim 1.

Regarding **claim 9**, Houde and Gaffney teach all the limitation, as discussed in claim 1.

Regarding **claim 10**, Houde and Gaffney teach all the limitation, as discussed in claims 1 and 4.

Regarding **claim 11**, Houde and Gaffney teach all the limitation, as discussed in claims 1 and 4.

Regarding **claim 12**, Houde and Gaffney teach all the limitation, as discussed in claims 1 and 2. Furthermore, Houde further teaches that means for examining the activation data (Fig. 1, 3, and column 5, lines 38 – column 6, lines 64, where teaches as the mobile station has deep sleep mode, the message center maintains some subscriber profiles and further receives, stores, and forward short message service message for delivery to the subscriber mobile stations, and the mobile stations provide notification to serving mobile switching center for operational ready to receive messages).

Regarding **claim 13**, Houde and Gaffney teach all the limitation, as discussed in claim 1. Furthermore, Houde further teaches that the terminal comprises means for transmitting a data transmission connection activation request to the mobile communication network (Fig. 1, 3, and column 5, lines 38 – column 6, lines 64, where teaches the mobile stations provide notification to serving mobile switching center for operational ready to receive messages).

#### *Allowable Subject Matter*

6. Claim 2 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claim 2, the cited prior art of record fail to disclose “if there is no activated data transmission connection for said wireless terminal, the next phase is to store the multimedia messages in the multimedia message server and wait until a data transmission connection is activated for said wireless terminal, to use it to transmit messages to said wireless terminal” as specified in claim 2.

#### *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Vitikainen (US Patent number 6,351,522) discloses Method for Providing a Delivery Confirmation of Message Deliveries Made in a Telephone Network.

Art Unit: 2618

Information regarding...Patent Application Information Retrieval (PAIR) system...  
at 866-217-9197 (toll-free)."

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks  
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Or: (703) 308-6606 (for informal or draft communications, please label  
"PROPOSED" or "DRAFT").

Hand-delivered responses should be brought to USPTO Headquarters,  
Alexandria, VA.

Any inquiry concerning this communication or earlier communications from the  
examiner should be directed to **John J. Lee** whose telephone number is **(571) 272-7880**.  
He can normally be reached Monday-Thursday and alternate Fridays from 8:30am-5:00  
pm. If attempts to reach the examiner are unsuccessful, the examiner's supervisor,  
**Edward Urban**, can be reached on **(571) 272-7899**. Any inquiry of a general nature or  
relating to the status of this application should be directed to the Group receptionist  
whose telephone number is (703) 305-4700.

J.L  
January 20, 2007

John J Lee



John J. Lee  
Commissioner of Patents and Trademarks  
U.S. Patent and Trademark Office  
Alexandria, VA 22313